

REMARKS

The Office action mailed on 4 June 2003 (Paper No. 6), has been carefully considered.

The specification is being amended to correct minor errors and improve form. Claims 6 is being canceled without prejudice or disclaimer, and claims 1, 3, 5, 7, 11 and 13 are being amended. Thus, claims 1 thru 5 and 7 thru 27 are pending in the application.

Final Restriction Requirement

On page 2 of the Office action, the Examiner made the restriction requirement final. It is respectfully requested that, for the reasons stated in the Amendment and Response to Restriction Requirement filed on March 11, 2003, the Examiner reconsider the restriction requirement imposed in the first Office action mailed on February 12, 2003 (Paper No. 4).

In the latter regard, on page 2 of the current Office action (Paper No. 6), the Examiner argued that, despite the fact that a product-by-process claim merely cites only process limitations, "it is the product and not the recited process that is covered by the claim" (quoting from page 2, lines 9-10 of the Office action). Applicant respectfully disagrees with this statement by the Examiner. Specifically, the claims in question (claims 22 and 23), if patented, will cover a product having the components recited in the

claim, and will also cover the particular techniques by means of which the product is fabricated, as recited in the claims. In other words, those limitations relating to the technique by means of which the product is fabricated will be taken into account in defining the scope of protection afforded by those claims.

Based on the latter observations, it is respectfully submitted that it is unfair to the Applicant to dismiss the limitations relating to the method or technique by means of which the product is fabricated when, in fact, those limitations will be taken into account in determining the scope of protection afforded by those claims, and in making infringement evaluations relative to those claims, should those claims be patented and then litigated in the future.

Furthermore, although not mentioned in the previous response to the restriction requirement, the Office action mailed on February 12, 2003 (Paper No. 4) contained an erroneous description of the claims in one of the two groups. Specifically, claims 1 thru 13 which were contained in the Examiner's Group I, did, in fact, recite a mask for a cathode ray tube, as described by the Examiner on page 2 of the Office action (Paper No. 4). However, with regard to the claims contained in the Examiner's Group II, whereas claims 18 thru 21 were correctly described by the Examiner as reciting an exposure mask assembly, claims 14 thru 17 recite a method of manufacturing a mask for a cathode ray tube, and thus do not recite an exposure mask assembly, as stated by the Examiner. Thus,

the restriction requirement imposed by the Examiner in the Office action (Paper No. 4) was based on an erroneous characterization of the claims, and on that additional basis, the restriction requirement should be withdrawn.

Objection to the Drawings

On page 2 of the Office action, the Examiner objected to the drawings because (1) the features claimed in claim 3 are not shown, (2) the features claimed in claim 5 are not shown, (3) in Figure 6, holey portion 21 not shown, and (4) in Figure 8, etching boundary 57 is not shown.

With respect to the features recited in claims 3 and 5, it should be noted that claims 3, 5, 11 and 13 are being amended to delete reference to the various distances objected to by the Examiner. More specifically, claims 3, 5, 11 and 13 are being amended so that the wording corresponds to the wording contained in the specification as originally filed, specifically, paragraphs [0048] and [0049] of the specification, which describe the arrangement shown in Figure 17 of the application. It should be noted that, since the amended wording of claims 3, 5, 11 and 13 corresponds to the wording contained in the specification, as originally filed, no "new matter" has been added in amending those claims.

With respect to the Examiner's objection to Figure 6, the Examiner referred to

"holey portion 21", when in fact that element is identified by reference numeral 51 in the specification (*see* page 13, lines 7-11 thereof). Consistent with the specification, as originally filed, Figure 6 is being amended to insert the reference numeral 51 (which already appears in Figure 5, as originally filed). Thus, no "new matter" has been added.

With respect to the Examiner's objection to Figure 8, consistent with page 14, line 19-page 15, line 1 of the specification as originally filed, Figure 8 is being amended to insert reference numeral 57 defining the "etching boundary". Thus, again, no "new matter" has been added.

As a result of the latter amendment of the claims and drawings, it is submitted that the Examiner's objection to the drawings no longer applies, and should be withdrawn.

Objection to the Title of the Invention

On page 3 of the Office action, the Examiner objected to the title of the invention for alleged non-descriptiveness, but did not offer any suggestion.

In response to the Examiner's objection, the title of the invention is being amended to read "MASK FOR COLOR CATHODE RAY TUBE HAVING BENEFICIAL SLOT AND BRIDGE CONFIGURATIONS, MANUFACTURING METHOD THEREOF, AND EXPOSURE MASK FOR MANUFACTURING THE MASK". It is submitted that

this title of the invention is descriptive, and thus the Examiner's objection should be withdrawn.

Double Patenting Rejection of the Claims

On pages 4 and 5 of the Office action, the Examiner provisionally rejected claims 1, 3 and 9 under the judicially created doctrine of obviousness-type double patenting over claims 2, 9 and 18, respectively, of co-pending U.S. Patent Application No. 09/836,550. The Examiner states that "the subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter"

In the latter regard, it should be noted that independent claim 1 is being amended to include the recitations from dependent claim 6, which is being canceled. Thus, the subject matter recited in amended independent claim 1 is not disclosed in the copending application cited by the Examiner, and will not be covered by any patent granted on the copending application. Accordingly, the "double patenting" rejection of claims 1, 3 and 9 no longer applies, and should be withdrawn.

Claim Rejections under 35 U.S.C. §102 and §103

On pages 5-6 of the Office action, the Examiner rejected claim 1 under 35 U.S.C.

§102 for alleged anticipation by Yamada *et al.*, U.S. Patent No. 3,883,770. On pages 6-9 of the Office action, the Examiner rejected claims 2 thru 5 and 9 under 35 U.S.C. §103 for alleged unpatentability over Yamada *et al.* '770 in view of Ueda, U.S. Patent No. 5,856,725. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103. On the other hand, on page 10 of the Office action, claims 6 and 7 were objected to for dependency upon a rejected base claim, but the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

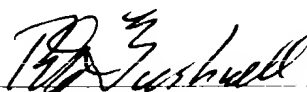
As mentioned above, independent claim 1 is being amended to include the recitations from dependent claim 6, which is being canceled. In addition, it should be noted that dependent claim 7 is being amended to appear in independent form. Since the Examiner merely objected to claims 6 and 7 for dependency upon a rejected base claim, stating that those claims recited allowable subject matter, it is submitted that independent claims 1 and 7 (and their associated dependent claims) recite the invention in a manner distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §102 or §103. Accordingly, allowance of independent claims 1 and 7 (and their dependent claims) should now be forthcoming.

In view of the above, it is submitted that the claims of this application are in

condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$84.00 is incurred by the addition of one (1) independent claims in excess of 3. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted.



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